THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 18112 OF 2007

Dated 21st September, 2007

Between:

Dama Jayalakshmi and others.

…Petitioners

And

The Sub-Registrar of Assurances,
Addanki village and Mandal,
Prakasam District and another.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioners seek a declaration that the action of the first respondent in not issuing valuation certificate and accepting the documents for the purpose of registration with regard to house sites covered by Survey Nos. 386/1C, 386/3C and 1004/2B of North Addanki Revenue village, Addanki Mandal, Prakasam District is illegal and arbitrary.

It is the case of the petitioners that the petitioners own different extents of land covered by Survey Nos. 986/3C, 986/1C and 1004/2B of North Addanki village. The petitioners intend to dispose of the said properties in favour of third parties and wanted to present the documents for the purpose of registration. It is the grievance of the petitioners that the first respondent on certain objections with regard to the prohibition of sales is not receiving the sale-deeds and considering for registration.

Except the assertion in the affidavit filed in support of the writ petition, there is no order passed by the competent authority refusing to receive and consider for registration of the documents for the proposed sales of the petitioners in respect of the lands covered by Survey Nos. 386/1C, 386/3C and 1004/2B of North Addanki Revenue village, Addanki Mandal, Prakasam District. If there are any valid objections to consider for registration, while it is open for the first respondent to record reasons for refusal of registration as contemplated under Section 71 of the Registration Act, 1908, but at the outset, he cannot refuse to receive the said documents.

In that view of the matter, without going in the merits of the claims of the petitioners, I dispose of the writ petition directing the first respondent to receive the documents of the proposed sales intended by the petitioners and consider for registration with regard

to lands covered by Survey Nos. 386/1C, 386/3C and 1004/2B of North Addanki Revenue village, Addanki Mandal, Prakasam District. However, it is made clear that if there are any objections for considering such a request for registration, it is open for the first respondent to record reasons as contemplated under Section 71 of the Registration Act and communicate the same to the petitioners.

Subject to above direction, the writ petition is disposed of. No costs.

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21-9-2007

R.SUBHASH REDDY, J.

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